

JS-6

FILED CLERK, U.S. DISTRICT COURT 5/15/2015 CENTRAL DISTRICT OF CALIFORNIA BY: _____ CW _____ DEPUTY
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JOHN MITCHELL, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff

vs.

MEDTRONIC, INC., A MINNESOTA
CORPORATION,

Defendant

Case No.: CV13-06624-MWF(PLAx)

JUDGMENT

IT IS HEREBY ORDERED:


1. Pursuant to Federal Rule of Civil Procedure 68, this Court hereby enters judgment in favor of Plaintiff JOHN MITCHELL in the total amount of \$3,000.
2. This Judgment will fully satisfy and resolve any liability or damages with respect to plaintiffs individual and class claims for meal period violations, specifically, the second claim for relief in plaintiff s Second Amended Complaint for failure to provide adequate meal periods, and the fourth and

1 fifth claims for relief in his Second Amended Complaint premised on the
2 alleged failure to provide adequate meal periods, including any injunctive
3 relief, penalties, interest, costs and/or attorneys' fees associated with those
4 claims.

5 3. Plaintiff retains all rights to appeal individual and class claims that were
6 dismissed by this Court's February 13, 2015 Order granting Medtronic's
7 motion to dismiss, specifically, the first and third claims for relief in plaintiffs
8 Second Amended Complaint, and the fourth and fifth claims for relief that are
9 predicated, in part, on Medtronic's alleged failure to include missed meal
10 period premium payments in its calculation of the "Regular Rate of Pay." (Dkt.
11 No. 45.) In particular, plaintiff retains any right to appeal the final judgment as
12 it relates to any claims covered by the February 13, 2015 Order and retains all
13 rights to any subsequent damages, interests, costs and/or attorney's fees
14 relating to those claims. Medtronic is not agreeing that any such appeal by
15 plaintiff has merit. Plaintiff will retain a personal stake only in the individual
16 and class claims dismissed by the February 13, 2015 Order.

17 4. Medtronic's Offer was made for the purposes specified in Rule 68 of the
18 Federal Rules of Civil Procedure and is not an admission that Medtronic is
19 liable in this action or that plaintiff has suffered any damage.

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21
22 DATED: May 15, 2015

By: 
HON. MICHAEL W. FITZGERALD
UNITED STATES DISTRICT JUDGE